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actions for personal injuries against cities, which accrued more than two years before, is not unconstitutional, and that in a small state like Massachusetts, where means of communication are so adequate, an allowance of 30 days is a reasonable time in which to bring an action which would be barred by the change.

Recovery of Payment Made by Mistake.—The parties to the case of *Johnson v. Saum*, 114 Northwestern Reporter, 618, had made a settlement of their accounts. It appeared that plaintiff was indebted to defendant for \$540, in payment of which plaintiff transferred to defendant a mare. Subsequently plaintiff found that he was mistaken in supposing himself indebted to defendant, and brought action for the recovery of \$540. Defendant offered to prove that the mare was worth not more than \$30, which offer the court refused, and plaintiff recovered judgment for \$465. The Supreme Court of Iowa held that recovery should have been limited to the value of the mare, expressing the devout hope that the unfortunate mare, which had twice made the journey from the trial court and back again, might not be again compelled to repeat the dreary round, and suggesting to her sponsors that the game was not worth the candle.

Injuries to Automobile from Defects in Highway.—A railroad company, in reconstructing a highway, had filled its bed with two or three feet of sand, in which plaintiff's automobile became struck while passing over. Assistance was necessary to disengage the car, which, while being extricated, was injured. Action was then instituted for damages. In *Doherty v. Town of Ayer*, 83 Northeastern Reporter, 677, the Supreme Judicial Court of Massachusetts held that statute, enacted more than 100 years ago, providing that highways should be kept in repair at the expense of the city or town, so as to be reasonably safe and convenient for travelers with carriages, could not reasonably be construed to embrace heavy machines like modern automobiles, as this would put towns in sparsely settled districts under enormous expense in the maintenance of highways.

Illegal Consideration.—A note was given in consideration of release of liability and dismissal of suit on another note, the consideration of which was the transfer of a liquor license in violation of law. In *Kennedy v. Welch*, 83 Northeastern Reporter, 11, the Supreme Judicial Court of Massachusetts held that illegality permeated the entire transaction; and, the first note being invalid, the dismissal of an action on it furnished no valid independent consideration for the new note.

Liability of Lessor of Theater for Death of Patron.—Defendant owned a building, which was not entirely completed, that he had leased to an amusement company. There was a door marked "Exit,"